

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE**

CIVIL APPLICATION NO.3947 OF 2006
IN
FIRST APPEAL ST.NO.16649 OF 2006
WITH
FIRST APPEAL ST.NO.16649 OF 2006

Office Notes, Office Memoranda of : Court's or Judge's orders.
coram, appearances, Court's orders :
or directions and Registrar's :
orders. :

Mr.Y.S.Bhate i/b Mr.S.S.Sarkar for the
applicants.
Mr.S.S.Punde for the respondent.

**CORAM: D.B.BHOSALE, J.
DATED: 5TH DECEMBER, 2006**

P.C.:

. Heard learned counsel for the parties.

2. By this civil application, the applicants have prayed for condonation of 5 1/2 months delay in filing the appeal. The respondent has filed reply affidavit and strongly opposed the prayer for condonation of delay. I perused the application. In my opinion the delay deserves to be allowed by imposing some cost. The application is allowed in terms of prayer clause (i) subject to payment of cost of Rs.1500/- to be remitted to the respondent within four weeks from today. Mr.Bhate, learned counsel for the applicants/appellants, submit that the

applicants/appellants shall deposit entire decretal amount in this court within eight weeks from today. His statement is accepted. The appeal to come up for admission after eight weeks. If the applicants/appellants fail to deposit the amount as aforestated the appeal/application shall stand dismissed for non prosecution without further reference to the Court.

(D.B.Bhosale, J.)